

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DESIREE GUERRA,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	No. 1:23-cv-01529-DAE
INDO CANADIAN CARRIERS	§	
& HARPRETT SINGH	§	
HANJRAH,	§	
	§	
<i>Defendants.</i>	§	

ORDER ADOPTING REPORT & RECOMMENDATION

Before the Court is Defendants Indo Canadian Carriers and Harprett Singh Hanjrah's ("Defendants") Opposed Motion to Designate Responsible Third Party, filed on October 30, 2024. (Dkt. # 17.) Plaintiff Desiree Guerra ("Plaintiff") did not respond. This case was reassigned to the undersigned on November 7, 2024, pursuant to the Amended Order Assigning Business of the Court. (Dkt. # 18)

On February 13, 2025, United States Magistrate Judge Hightower issued a Report and Recommendation that this Court grant Defendants' Motion. (Dkt. # 20.) Objections to the Report and Recommendation were due within 14 days after being served with a copy. Neither party filed any objections to the Report and Recommendation.

BACKGROUND

This case arises out of a car accident which occurred in 2022. (Dkt # 1-1 at ¶ 7.) Plaintiff filed this lawsuit against Defendants in state court, asserting causes of action for negligence, negligence per se, and gross negligence against Defendant Hanjrah, and respondeat superior against Defendant Indo Canadian Carriers. (Dkt # 1-1 at ¶¶ 8–14.) Plaintiff also asserts negligent entrustment of a motor vehicle, gross negligence, and negligent hiring, training, supervision and retention claims against Indo Canadian Carriers. (*Id.* at ¶¶ 15–22.) Plaintiff seeks more than one million dollars in damages. (*Id.* at ¶ 27.)

Defendants removed the case to this Court based on diversity jurisdiction on December 15, 2023. (Dkt. # 1.) Defendants now seek leave to designate Kayden Cantu as a responsible third party. (Dkt. # 17.) Plaintiff did not respond to the motion.

DISCUSSION

Where, as here, neither party objects to the Magistrate Judge’s findings, the Court reviews the Report and Recommendation for clear error. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989).

After careful consideration, the Court adopts the Magistrate Judge’s Report and Recommendation. The Court finds the Magistrate Judge’s conclusion that Defendants filed the motion 60 days before trial and that the motion is

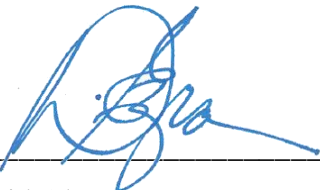
unopposed correct. The Court thus finds the subsequent conclusion that the motion should be granted under Section 33.004(f) neither erroneous nor contrary to law. See Tex. Civ. Prac. & Rem. § 33.004(f) (“A court shall grant leave to designate the named person as a responsible third party unless another party files an objection to the motion for leave on or before the 15th after the date the motion is served.”).

CONCLUSION

Accordingly, for the reasons given, the Court **ADOPTS** the Magistrate Judge’s Report and Recommendation (Dkt. # 20) as the opinion of the Court and **GRANTS** Defendants’ Motion to Designate Responsible Third Party (Dkt. # 17).

IT IS SO ORDERED.

Dated: Austin, Texas, April 30, 2025.



David Alan Ezra
Senior United States District Judge